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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GAIL C. TRABISH, ESQ. (#103482)
BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation
555 12th Street, Suite 1800
P. O. Box 12925
Oakland, CA 94604-2925
Telephone: (510) 834-4350
Facsimile: (510) 839-1897

E-filing

Attorneys for Defendant
TARGET STORES, a division
of Target Corporation, erroneously
sued herein as Target Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEJ

NORMA A. GODOY,

Plaintiff,

vs.

TARGET CORPORATION, et al.,

Defendants.

C) 07-4672
Case No.: 4672

[Marin County Superior Court Case No.:
CV 073570]

ANSWER TO COMPLAINT

Complaint Filed: July 30, 2007

COMES NOW Defendant TARGET STORES, a division of Target Corporation,
erroneously sued herein as Target Corporation, and for its answer to the complaint of plaintiff
NORMA A. GODOY, on file herein, admits, denies and alleges the following:

GENERAL ALLEGATIONS

1. Answering paragraph 2, this answering defendant admits that 4 pages are attached.
2. Answering paragraph 3, this answering defendant states that it has no information or belief concerning the subjects of the allegations therein sufficiently enabling it to answer said paragraph, and on that ground, denies each and every, all and singular, generally and specifically, the allegations contained therein.
3. Answering paragraph 5(a), this answering defendant admits that Target Stores is a division of Target Corporation, and is a Minnesota corporation whose principal place of business

1 is in Minnesota.

2 4. Answering the allegation in paragraph 6, this answering defendant states that it has
3 no information or belief concerning the subjects of the allegations therein sufficient to enable it to
4 answer said paragraph, and on that ground, denies each and every, all and singular, generally and
5 specifically, the allegations contained therein.

6 5. Answering the allegation in paragraph 8, this answering defendant denies that the
7 Superior Court of Marin County is the proper court.

8 6. Answering paragraph 10, this answering defendant admits that there is one (1)
9 cause of action for Premises Liability attached.

10 7. Answering paragraph 11, this answering defendant denies each and every, all and
11 singular, generally and specifically, the allegations contained therein.

12 8. Answering paragraph 14, this answering defendant denies each and every, all and
13 singular, generally and specifically, the allegations contained therein.

14 **FIRST CAUSE OF ACTION – Premises Liability**

15 9. Answering paragraph Prem. L-1, this answering defendant denies each and every
16 allegation contained therein.

17 10. Answering paragraph Prem. L-2, this answering defendant denies each and every
18 allegation contained therein.

19 11. Answering paragraph Prem. L-6(a), this answering defendant denies each and every
20 allegation contained therein.

21 **DEMAND FOR JURY TRIAL**

22 This answering defendant demands a jury trial.
23

24 **AFFIRMATIVE DEFENSES**

25 **COMES NOW**, Defendant TARGET STORES, a division of Target Corporation,
26 erroneously sued herein as Target Corporation, and for its answer to the complaint of plaintiff on
27 file herein alleges as follows:

28 **AS A FIRST, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE**

1 **VERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION**
2 **THEREOF**, this answering defendant is informed and believes and thereon alleges that neither the
3 complaint nor any of its alleged causes of action states facts sufficient to constitute a cause of
4 action against this answering defendant.

5 **AS A SECOND, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE**
6 **VERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION**
7 **THEREOF**, this answering defendant is informed and believes and thereon alleges that plaintiff
8 failed to mitigate her alleged damages as required by law.

9 **AS A THIRD, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE**
10 **VERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION**
11 **THEREOF**, this answering defendant is informed and believes and thereon alleges that plaintiff
12 was comparatively at fault in the manner and style as set forth in the case of *Li v. Yellow Cab Co.*
13 (1975) 13 Cal.3d 804, and defendant prays that any and all damages sustained by said plaintiff be
14 reduced by the percentage of her negligence.

15 **AS A FOURTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE**
16 **VERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION**
17 **THEREOF**, this answering defendant is informed and believes and thereon alleges that the
18 damages complained of, if any there were, were proximately contributed to or caused by the
19 carelessness, negligence, fault or defects created by the remaining parties in this action, or by other
20 persons, corporations or business entities unknown to this answering defendant at this time, and
21 were not caused in any way by this answering defendant, or by persons for whom this answering
22 defendant is legally liable.

23 Should this answering defendant be found liable to plaintiff, which liability is expressly
24 denied, said defendant is entitled to have this award against it abated, reduced or eliminated to the
25 extent that the negligence, carelessness, fault or defects created by the remaining parties in this
26 action, or by said other persons, corporations or business entities, contributed to plaintiff's
27 damages, if any.

28 **AS A FIFTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE**

1 **VERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION**
2 **THEREOF**, this answering defendant is informed and believes and thereon alleges that plaintiff
3 knew, or in the exercise of ordinary care should have known, of the risks and hazards involved in
4 the undertaking in which she was engaged, but nevertheless and knowing these things, did freely
5 and voluntarily consent to assume all the risks and hazards involved in the undertaking.

6 **WHEREFORE**, this answering defendant prays as follows:

- 7 1. That plaintiff take nothing by her complaint and that this answering defendant be
8 dismissed hence;
- 9 2. For reasonable attorneys' fees;
- 10 3. For costs of suit incurred herein; and
- 11 4. For such other and further relief as the Court deems fit and proper.

12 DATED: September 10, 2007

BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation

15 By: _____

GAIL C. TRABISH, ESQ.

Attorneys for Defendant

TARGET STORES, a division of
Target Corporation, erroneously sued
herein as Target Corporation

18 GCT01413826

CERTIFICATE OF SERVICE
(28 U.S.C. §1746)

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P. O. Box 12925, Oakland, California 94604-2925.


I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, at the above-referenced business location, I sealed envelopes, enclosing a copy of the **ANSWER TO COMPLAINT**, addressed as shown below, and placed them for collection and mailing following ordinary business practices to be deposited with the United States Postal Service on the date indicated below:

Matthew N. White, Esq.
Law Offices of Matthew N. White
1000 Fourth Street, Ste. 600
San Rafael, CA 94901
(415) 453-1010 Phone
(415) 456-1921 Fax

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on September 10, 2007.



Alexine L. Braun

GCT01V413826